

## CREATION OF GENERAL COUNSEL FOR POST OFFICE DEPARTMENT

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JUNE 21, 1956.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

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Mr. MURRAY of Tennessee, from the Committee on Post Office and  
Civil Service, submitted the following

### R E P O R T

[To accompany H. R. 10523]

The Committee on Post Office and Civil Service, to whom was referred the bill (H. R. 10523) to conform the appointment and compensation of the chief legal officer of the Post Office Department to the method of appointment and rate of compensation provided for comparable positions, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Page 1, after line 11, insert the following:

SEC. 2. The incumbent in the office of Solicitor for the Post Office Department immediately prior to the time the amendment made by the first section of this Act becomes effective shall serve as General Counsel for such department and shall receive compensation at the rate provided for such office of General Counsel, pending appointment and confirmation of a General Counsel under the amendment made by the first section of this Act.

#### PURPOSE OF AMENDMENT

The purpose of the amendment is to provide continuity in the discharge of the authority and duties of the new office of General Counsel created by the bill by providing that the present incumbent in the former office of Solicitor for the Post Office Department (which is abolished by the bill) may serve as and receive the compensation of General Counsel pending the appointment and confirmation of a General Counsel under the provisions of the bill.

## GENERAL STATEMENT

The purpose of this bill is to give the chief legal officer of the Post Office Department rank equal to that of an Assistant Postmaster General. He would be appointed by the President and receive compensation at the same rate as an Assistant Postmaster General.

This bill gives to the top legal officer of the Post Office Department the same status as now enjoyed by the similar legal officers in other executive departments of the Government.

As stated by the Postmaster General, the Post Office Department is one of the largest single business enterprises in the world. It is second in size, among the departments, only to the Department of Defense. The legal problems that must be considered cover the entire field of law. This position is certainly comparable to the positions of top legal officers for the other executive departments.

This bill is reported favorably with the understanding that the creation of the position of General Counsel will abolish the present position of Solicitor as created by section 390 of the Revised Statutes, as amended (5 U. S. C. 364).

## COST

The additional cost per annum would be only the relatively small difference between the salary of the Solicitor and the salary proposed for the General Counsel.

## OFFICIAL REQUEST

The letter of the Acting Postmaster General requesting the creation of the position of General Counsel follows:

OFFICE OF THE POSTMASTER GENERAL,  
*Washington 25, D. C., March 29, 1956.*

Hon. SAM RAYBURN,

*Speaker of the House of Representatives.*

DEAR MR. SPEAKER: There is submitted herewith, for consideration by the Congress, a legislative proposal to conform the appointment and compensation of the chief legal officer of the Post Office Department to the method of appointment and rate of compensation provided for comparable positions, and for other purposes.

Under this bill, the chief legal officer for the Post Office Department would be designated as General Counsel, and his appointment would be made by the President, by and with the advice and consent of the Senate. His compensation would be fixed at the rate per annum provided for Assistant Postmasters General.

This bill would provide statutory recognition of the functions actually performed by the chief legal officer for the Post Office Department and of the fact that his level of responsibility is equivalent to that of the Assistant Postmasters General. In this respect, the legislative proposal would be in conformity with action recently taken with respect to similarly situated chief legal officers in other executive departments of the Government. For example: The act of August 20, 1954 (68 Stat. 753), provided that the compensation of the General Counsel of the Department of Commerce should be at the rate provided for Assistant Secretaries. In 1949 the Congress provided that the Legal Adviser of the Department of State should rank equally

with the Assistant Secretaries of State. Reorganization Plan No. 6 of 1953 (67 Stat. 638), provides for the General Counsel of the Department of Defense to be appointed by the President, by and with the advice and consent of the Senate, and for him to be compensated at the rate prescribed by law for assistant secretaries of executive departments.

The Post Office Department is one of the largest single business enterprises in the world. As a department of Government it is second in size only to Defense. The legal problems which must be considered and determined by its chief legal officer cover the entire field of law. Certainly, his position is comparable to the positions of the other chief legal officers for the executive departments.

It is believed that the legislative proposal will accomplish the purposes desired, and this Department urges its early enactment.

The Bureau of the Budget has advised that there would be no objection to the submission of this legislative proposal to Congress.

Sincerely yours,

MAURICE H. STANS,  
*Acting Postmaster General.*

#### CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as introduced, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

#### SECTION 390 OF THE REVISED STATUTES, AS AMENDED (5 U. S. C. 364)

SEC. 390. [There shall be employed in the Post-Office Department one Solicitor for the Post Office Department<sup>1</sup> who shall be appointed by the Postmaster-General.<sup>2</sup>] *There shall be in the Post Office Department a General Counsel, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall have basic compensation at the rate per annum provided for Assistant Postmasters General, and shall rank equally with the Assistant Postmaster General.*

<sup>1</sup> The Act of July 16, 1914 (38 Stat. 497), changed the title of the office from Assistant Attorney-General to Solicitor for the Post Office Department.

<sup>2</sup> The provisions of section 390 of the Revised Statutes to the effect that the Solicitor for the Post Office Department shall be entitled to a salary of \$4,000 a year are obsolete by reason of the fact that the compensation of the Solicitor currently is fixed in accordance with the Classification Act of 1949, as amended.

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